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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD

...

O.A.No. 129 of 1990

Dt. of Decision: 9-10-1990

Between:-

1. M.N.Radhakrishnan Nair

2. K.V.R.K.M.B.Subba Rao .. Applicants

and

1. Union of India rep. by the
Secretary, Ministry of Finance
(Department of Expenditure),
New Delhi-1.

2. Union of India, rep. by the
Secretary, Ministry of Water
Resources, Shram Shakti Bhavan,
Rafi Marg, New Delhi.

3. Under Secretary (M), Central
Water Commission, Sewa Bhavan,
R.K.Puram, New Delhi-110066.

4. Superintending Engineer,
Godavari Circle, Central Water
Commission, Chirag Ali Lane,
Hyderabad-500001.

5. Chief Engineer, Water Resources
Organisation (Southern Region),
Central Water Commission, Shanti-
nagar, Hyderabad-500028.

..

Respondents

Appearance:-

For the Applicants : Shri T.Jayant, Advocate.

For the Respondents : Shri Naram Bhaskar Rao,
Addl. C.G.S.C.

CORAM:

THE HONOURABLE SHRI J.NARASIMHA MURTHY, MEMBER (J).

THE HONOURABLE SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.).

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE MEMBER (J))

SHRI J.NARASIMHA MURTHY

1. This is an application filed by the applicants for

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a relief praying that this Tribunal may be pleased to direct the respondents herein to allow the applicants ~~xxx~~ the pay scale of Rs.425--700 in place of pay scale of Rs.330--560 with effect from the dates of their appointment as Senior Computers and consequently revised pay scale of Rs.1400--2300 in place of Rs.1200--2040 with all consequential monetary and service benefits.

The facts of the case are briefly as follows:-

2. The 1st applicant was appointed as Senior Computer w.e.f. 21-8-1986 in the pay scale of Rs.330--560 which was subsequently revised as Rs.1200--2040 and the 2nd applicant was appointed as Senior Computer w.e.f. 29.6.1984 in the pay scale of Rs.330--560 which was subsequently revised as Rs.1200--2040 w.e.f. 1-1-1986.
3. The pay scale of Senior Computers was revised as Rs.425--700 (partly to some) and as Rs.330--560 (partly to others) w.e.f. 1.1.1973 after the recommendations of the 3rd Pay Commission. Thus the Senior Computers, though they were appointed under the same Recruitment Rules and were discharging identical duties within one and the same Department, were denied the benefit of Rs.425--700.
4. While so, the Central Administrative Tribunal, Delhi Bench, in B.Saini and another vs. Union of India and another (T.335/85, dt.11-4-1986 (Annexure A-1)) directed the respondents therein to implement the higher pay scale of Rs.425--700 in place of Rs.330--560 to the petitioners therein (Senior Computers) with all attendant benefits including arrears and the said judgment was accordingly implemented to the petitioners therein.

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5. As the representations of the Senior Computors, working at Hyderabad for extending to them, the said benefit of pay scale of Rs.425--700, in the light of the above mentioned judgement, were rejected by the authorities, they filed O.A.No.212 of 1988 before this Tribunal praying for the said relief on the ground of discrimination and this Tribunal by Judgement dated 18.11.1988 directed the respondents to extend the said benefit of higher pay scale of Rs.425--700 w.e.f. 1-1-73 / dates of their promotion as Senior Computors.

6. Thereupon by the impugned order No.23/4/88-Estt.XI, in O.A.212/88 dated 14-3-1989 (Annexure A-3) the applicants were deemed to have been placed in the pay scale of Rs.425--700 (pre-revised), Rs.1400--2300 (revised) w.e.f. 1-1-1973 or from the date of their appointment as Senior Computor with all consequential benefits. That the applicants also requested the respondents to extend these benefits to them ~~as well~~ also by allowing the pay scale of Rs.425--700 (pre-revised) and Rs.1400--2300 (revised) w.e.f. 21.8.86 and 29-6-1984 i.e. the dates of their appointment as Senior Computors.

7. The respondents filed a counter stating that the Senior Scale as mentioned in the Commission's order No.23/4/88-Estt.XI, dated 14-3-1989 cannot be automatically extended to all the Senior Computors as the Judgement delivered in O.A.No.212/88 filed by Sri G.G.Rao and others was a Judgement in personam and not the Judgement in rem. As such the petitioners viz., M.N.Radhakrishnan Nair and others are not entitled for the scale of Rs.425--700 (pre-revised) and Rs.1400-2300 (revised). Regarding extension of the benefit of scale of Rs.425--700 (pre-revised) and



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Rs.1400--2300 (revised) to the other similarly placed Senior Computers was also taken up with Ministry of Water Resources. A copy of the clarification given by the Ministry of Water Resources in consultation with the Ministry of Finance vide their letter no.8/28/87-Estt.-I, dated 24-2-1989 is enclosed. Therefore the Petitioners are not entitled for the benefit of the scale of Rs.425--700 (pre-revised) and Rs.1400--2300 (revised). As such the application is devoid of merits and is liable to be dismissed with costs.

8. The learned Counsel for the applicants, Shri T.Jayant, and the learned Additional Central Government Standing Counsel, Shri Naram Bhaskar Rao, on behalf of the Respondents, argued in the matter.

9. Shri T.Jayant, learned Counsel for the applicants, contended that the facts of this case and the facts in O.A.212 of 1988 (on Hyderabad Bench) and T.335/85 (C.A.T., Delhi) are similar. As the applicants in the ~~xxxxxx~~ earlier applications have been allowed higher scales as prayed for, on the same analogy ~~xxxxxx~~ these applicants also are entitled for the ~~higher~~ a copy of the scale. Shri Naram Bhaskar Rao, filed order of the Government of India, Ministry of Water Resources, in consultation with the Ministry of Finance vide their letter No.8/28/87-Estt.-I, dated 24-2-1989, in which it is stated as follows:-

" As regard the proposal to extend the judgement to the similarly placed persons, it has been decided that benefit of higher scale may be allowed to them on notional basis with effect 1.1.1973 and actual basis w.e.f. 1.12.1988. "

If this letter is taken into consideration, there will be a discrimination regarding the implementation of the orders. In the previous judgements the scales of pay were implemented from the date of their promotion and instead of that in the subsequent matter if we fix for the payment of the arrears from 1-12-1988, it will come

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under discrimination. So, the argument advanced by the learned Counsel for the Respondents, Shri Naram Bhaskar Rao, does not hold good.

10. In view of the above, we feel that the applicants' case herein and the cases decided by the Delhi Bench of this Tribunal i.e. T.335/85 and Hyderabad Bench in O.A.212 of 1988 are similar to this case and therefore the applicants herein are also entitled to the benefits from the date of their appointments as prayed for by them.

11. In the result we hold that the applicants are entitled to the pay scales of Rs.425--700 in place of Rs.330--560 w.e.f. the dates of their appointment as Senior Computers and consequently revised pay scales of Rs.1400--2300 in the place of Rs.1200--2040 with all consequential monetary and service benefits. With these ground ^L application is allowed. No order as to costs.

(J.NARASIMHA MURTHY)
MEMBER (JUDICIAL)

(R. BALASUBRAMIAN)
MEMBER (ADMN.)

Date: 9/15 ^{Oct 6/90} Sept., 1990 Deputy Registrar (Judl)

To

1. The Secretary, Union of India, Ministry of Finance
(Department of Expenditure) New Delhi-1.
2. The Secretary, Union of India, Ministry of Water Resources,
Shram Shakti Bhavan, Rafi Marg, New Delhi.
3. The Under Secretary(M), Central Water Commission,
Sewa Bhavan, R.K.Puram, New Delhi - 66.
4. The Superintending Engineer, Godavari Circle, Central Water
Commission, Chirag Ali Lane, Hyderabad -1.
5. The Chief Engineer, Water Resources Organisation
(Southern Region), Central Water Commission, Shantinagar, Hyd-28.
6. One copy to Mr.T.Jayant, Advocate, 17-35-B, Srinagar Colony,
Gaddiannaram, F&T Colony, Hyderabad.
7. One copy to Mr.N.Bhaskara Rao, Addl.CGSC.CAT.Hyd.Bench.
8. One copy to Hon'ble Mr.J.Narasimha Murty Member(J) CAT.Hyd.
9. One ~~spare~~ copy to Mr. R. Balasubrahmanian, Member(M) CAT, Hyd.
10. One ~~spare~~ copy, ^{As}

MSM
10/10/90

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CHECKED BY
TYPED BY

APPROVED BY
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. B. N. JAYASIMHA : V.C.
AND

THE HON'BLE MR. D. SURYA RAO : M(J)
AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)
AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

DATE : 24-9-10/90

ORDER / JUDGEMENT :

M.A. / R.A. / C.A. / No.

in

T.A. No.

W.P. No.

O.A. No. 129/90

~~Admitted and~~ Interim directions
issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.

